

SIMULATOR IMPLEMENTATION **PROCEDURES**

Under the Agreement for the Promotion of Aviation Safety
dated September 26, 1996

Between the

Government of the United States of America

and the

Government of Switzerland

Revision 1

October 6, 2005

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CHAPTER I — GENERAL

1.0 Purpose

(a) This document sets forth the Federal Aviation Administration (FAA) and the Federal Office for Civil Aviation (FOCA) procedures for implementing the Full Flight Simulator(s) (FFS) evaluation provisions of the Agreement for the Promotion of Aviation Safety between the Government of the United States and the Government of Switzerland signed September 26, 1996. The Agreement provides, in pertinent part, that the FAA and the FOCA will pursue mutual co-operation and technical assistance in evaluation and acceptance of each other's systems and standards for FFS qualification evaluations. Upon mutual satisfaction with these systems, the Agreement directs the authorities to execute these procedures for reciprocal acceptance of FFS qualification evaluations.

(b) The objective of these Simulator Implementation Procedures, in accordance with the Agreement, is to outline the terms and conditions under which the FAA and the FOCA can accept each other's evaluations of FFS for findings of compliance with FAA Simulator Standards not earlier than Advisory Circular (AC) 120-40B (except as provided for in paragraph 2.2(b)) and JAA Simulator Standards not earlier than Joint Aviation Requirement Synthetic Training Devices (JAR-STD)-1A Amendment 2 for the purpose of FFS qualification only, thereby reducing redundant regulatory oversight without adversely affecting the fidelity of FFS and aviation safety.

1.1 Authorization

The authorization for these Simulator Implementation Procedures is Article III of the Agreement for the Promotion of Aviation Safety, and in that respect, the FAA and the FOCA have assessed each other's standards and systems relating to the evaluation and qualification of FFS and, as a result, have established an understanding of such standards and systems. This document, Simulator Implementation Procedures, Revision 1, dated October 6, 2005, replaces the earlier Simulator Implementation Procedures, dated May 19, 1999.

1.2 Entry into Force and Termination

These Simulator Implementation Procedures shall enter into force on the date of last signature and shall remain in force until terminated. They may be terminated upon sixty (60) days' written notice by either the FAA or the FOCA or without notice by mutual agreement of the FAA and the FOCA. Termination of these Simulator Implementation Procedures will not affect the validity of activity conducted under their provisions prior to termination.

1.3 Amendments

(a) These Simulator Implementation Procedures may be amended by mutual consent of the FAA and the FOCA. They also may be supplemented by appendices. The details of any such amendment or appendix shall be recorded and signed by the representatives of the offices identified in paragraph 1.6(b), or their designees. Amendment of these Simulator Implementation Procedures will not affect the validity of activity conducted under their provisions prior to amendment.

(b) Suggestions for improvement of these procedures are welcome and can be addressed to either of the offices described in paragraph 1.6.

(c) The FAA and the FOCA recognize that significant revision by either authority to its organization, regulations, procedures, or standards may affect the basis on which these Simulator Implementation Procedures are executed. Accordingly, each authority agrees to advise the other promptly of plans for such changes, and to give an opportunity for comment. Upon notice of such changes by one authority, the other authority may request consultation to review the need for amendment to these Simulator Implementation Procedures.

1.4 JAA Membership

(a) The FAA recognizes that the FOCA is a member of the Joint Aviation Authorities (JAA) and that membership includes FOCA obligations to other JAA members with respect to development of regulations, procedures, and standards, and that the FOCA has adopted JAA regulations, procedures, and standards, including standards for FFS qualification evaluations.

(b) The FOCA will carry out the obligations contained in these Simulator Implementation Procedures in accordance with JAA procedures. For example, the obligations of the FOCA to receive or provide information will be accomplished under JAA procedures.

1.5 National Requirements

(a) The JAR serves as the legal standards for safety regulation by the FOCA.

(b) The legal standards for safety regulation by the FAA are contained in Title 14, Code of Federal Regulations and are explained in ancillary documents and procedures.

1.6 Accountability

(a) The designated offices for the technical oversight of these Simulator Implementation Procedures are:

(1) For the FAA: Flight Standards Service
FAA (AFS-50)
800 Independence Avenue, S.W.
Washington, DC 20591
U.S.A.
phone: +202-385-8070
fax: +202-493-5888

(2) For FOCA: Federal Office for Civil Aviation
Certification Flight Operations
STD Team
Maulbeerstrasse 9
CH-3003 Bern / Switzerland
phone: +41 43 816 7071
fax: +41 43 816 2677

(b) The designated offices for the technical implementation of these Simulator Implementation Procedures are:

- (1) For the FAA: Flight Standards Service
FAA (AFS-205)
100 Hartsfield Centre Parkway,
Suite 400,
Atlanta, GA 30354
U.S.A.
phone: +404-832-4700
fax: +404-761-8906
- (2) For FOCA: Federal Office for Civil Aviation
Certification Flight Operations
STD Team
Maulbeerstrasse 9
CH-3003 Bern / Switzerland
phone: +41 43 816 7071
fax: +41 43 816 2677

(c) The designated offices for the administrative coordination of these Simulator Implementation Procedures are:

- (1) For the FAA: Office of the Assistant Administrator for International Aviation
FAA (AEU-10)
800 Independence Avenue, S.W.
U.S.A.
Washington, DC 20591
phone: +202-385-8889
fax: +202-267-5032
- (2) For FOCA: Federal Office for Civil Aviation
Certification Flight Operations
STD Team
Maulbeerstrasse 9
CH-3003 Bern / Switzerland
phone: +41 43 816 7071
fax: +41 43 816 2677

1.7 Resolution of Disagreements

Pursuant to Article IV of the Agreement for the Promotion of Aviation Safety, any disagreement regarding the interpretation or application of these Simulator Implementation Procedures shall be resolved by consultation between the FAA and the FOCA, and, if appropriate, resolution of such disagreements will be recorded as an amendment or appendix to these Simulator Implementation Procedures, in accordance with paragraph 1.3.

1.8 Definitions

For the purposes of these Simulator Implementation Procedures (and notwithstanding definitions contained in 14 CFR or the Joint Aviation Requirements (JAR)), the following definitions apply:

(a) Evaluation. The measure of the FFS against the established technical criteria for that level set out in the appropriate reference document, i.e., for the FAA, not earlier than AC 120-40B, (except as provided for in paragraph 2.2(b)), and for the FOCA, not earlier than JAR-STD-1A Amendment 2.

(b) 14 CFR. Means Title 14, Code of Federal Regulations, parts 1 through 199.

(c) Finding. Verification whether the FFS is in compliance or non-compliance with the applicable requirements which will include an evaluation checklist or report compiled by the FAA or FOCA covering:

- i. All discrepancies noted;
- ii. Recommendations regarding correction of discrepancies; and
- iii. Recommendations regarding authorization or limitation.

(d) Full Flight Simulator(s) (FFS). A full-size replica of a specific type or make, model and series of aircraft flight deck, including the assemblage of equipment and computer programs necessary to represent the aircraft in ground and flight operations, a visual system providing an out-of-the-flight deck view and a force cueing motion system. It is in compliance with the minimum standards for FFS qualification.

(e) FFS Operator. As used in this document, identifies that person, organization or enterprise directly responsible to the FAA/FOCA for requesting and maintaining the Qualification of a particular FFS.

(f) FFS Qualification Level. The level of compliance based on the technical capability of the FFS as determined by an evaluation of the FFS against the established technical evaluation criteria as defined in the applicable requirements.

(g) JAA Procedures. Procedures defined by JAA as applied by FOCA in its national systems, rules, policies, practices and procedures.

(h) JAR. JAR means Joint Aviation Requirements as adopted by the Government of Switzerland. They are interpreted and implemented by following JAA policy guidance in the form of Acceptable Means of Compliance, Advisory Circular Joint, Interpretative and Explanatory Material, Temporary Guidance Leaflets and JAA Administrative and Guidance Material, Section – Six – Synthetic Training Devices.

(i) Special conditions. Special conditions are those additional requirements that are not prescribed in both sets of the standards shown in paragraph 2.2. If special conditions are required, they will be contained in Chapter III of these Simulator Implementation Procedures.

CHAPTER II —RECIPROCAL ACCEPTANCE OF FFS QUALIFICATION EVALUATIONS

2.0 General

The FAA and FOCA agree, subject to the terms of these Simulator Implementation Procedures, to accept each other's evaluations for findings of compliance with their respective requirements as the basis for its own qualification of a FFS.

2.1 Eligibility

These Simulator Implementation Procedures are applicable to those Level B, C and D FFS that are required to have FAA and FOCA evaluation leading to a Qualification Level because they are used by an FAA-certificated entity (U.S. air carrier or 14 CFR part 142 training center) and a FOCA-approved entity (Air Operator Certificate holder or Type Rating Training Organization).

2.2 Standards Used

(a) Qualification evaluations will be conducted to FAA/JAA standards not earlier than as defined in AC 120-40B, including alternative means of compliance as permitted by AC 120-40B, or JAR-STD 1A Amendment 2.

(b) Following the mutual agreement of the FAA and FOCA, the standards of AC 120-40A may be applied to a particular FFS.

2.3 Qualification Level

The FAA or FOCA will qualify a FFS based on the findings provided by the evaluating authority. Such a qualification may be to a Qualification Level equal to or lower than the Qualification Level established by the evaluating authority and will be a function of the intended use of the FFS.

2.4 Requests for Evaluation

Requests for evaluation of FFS under this agreement will be made by the FFS operator to the office responsible for the qualification as designated in paragraph 1.6(b).

2.5 Evaluation Instructions

The FAA and FOCA agree to provide the other authority at least 30 days prior to an evaluation, with any special instructions or requests to be completed during an evaluation.

2.6 Notification of Findings

The completed report shall be returned to the authority responsible for the qualification as described in paragraph 1.6(b) within 30 days of the evaluation and shall constitute the basis for the finding for a FFS Qualification Level. The report will identify the standards used, including the appropriate revision level.

2.7 Right to Make Independent Verification

The FAA and FOCA acknowledge the right of the other authority to make its own evaluation or re-evaluation of a FFS at any time.

2.8 Joint Evaluations

At the request of either authority, the FAA and the FOCA may agree to conduct joint evaluations.

CHAPTER III — SPECIAL CONDITIONS

3.0 FAA Special Conditions

A FFS that meets the eligibility requirements specified in paragraph 2.1 for qualification under these Simulator Implementation Procedures (SIP) may be granted a FAA qualification if the FOCA endorses that the following special conditions (as applicable) are complied with:

- (a) FOCA will perform the first recurrent evaluation 6 months following the initial qualification. Subsequent recurrent qualifications may be conducted at twelve month intervals. If FOCA is unable to conduct the recurrent qualification at the 6 month interval the FAA will conduct the evaluation.
- (b) There is a supplement to the instructor operating station manual that includes operation with standards as defined in AC 120-40B, including alternative means of compliance as permitted by AC 120-40B.
- (c) There are English Language versions of relevant documentation required for use and evaluation of the FFS.
- (d) The FFS has a valid FOCA FFS qualification certificate in accordance with the standards defined in paragraph 2.2.
- (e) The aircraft configuration conforms to standards as defined in AC 120-40B, and alternative means of compliance as permitted by AC 120-40B.
- (f) Instructor operating station indications must conform to units of measurement used for certification of aircraft as described by 14 CFR parts 23 and 25 and FAA Technical Service Orders appropriate for the aircraft or equipment to be replicated.
- (g) There are instructions for the handling of inoperative components.
- (h) There is at least one United States airport/airfield model available featuring proper modelling and navigation/communication facilities.
- (i) Category I, II, or III (as applicable) Instrument Approaches demonstrated at a United States Airport.
- (j) Circling Approach demonstrated at a specific airport.
- (k) Additional Windshear Test in accordance with AC 120-40B, Appendix 5, or alternative means of compliance as permitted by AC 120-40B, are required for turbojet aircraft operated under 14 CFR Part 121.
- (l) Visual Ground Segment Test presented using a United States Airport and RVR Standards.

- (m) Additional objective and functional or subjective tests as required by AC 120-40B, including alternate means of compliance, as permitted by AC 120-40B, that are in excess of those required by the FOCA FFS standard level of qualification.
- (n) The FFS is able to demonstrate the effects of airframe icing.

3.1 FOCA Special Conditions

A FFS that meets the eligibility requirements specified in paragraph 2.1 for qualification under these Simulator Implementation Procedures (SIP) may be granted a FOCA qualification if the FAA endorses that the following special conditions (as applicable) are complied with:

- (a) There is a supplement to the instructor operating station manual that includes operation with standards as defined in JAR-STD 1A, Amendment 2 or greater.
- (b) There are detailed procedures for the operation of an independent quality monitoring system.
- (c) The FFS has a valid FAA Statement of Qualification.
- (d) The aircraft configuration must conform to standards as defined in JAR-STD 1A Amendment 2 or greater.
- (e) Instructor operating station indications conform to the International System of Units (SI).
- (f) There is at least one European airport/airfield model available featuring proper modelling and navigation/communication facilities.
- (g) Category I, II, or III (as applicable) Instrument Approaches demonstrated at a European Airport.
- (h) Visual Ground Segment Test presented using a European Airport and RVR Standards.
- (i) Additional objective and functional or subjective tests as required by JAR-STD 1A Amendment 2 that are in excess of those required by the FAA FFS standard level of qualification.

CHAPTER IV — MUTUAL COOPERATION AND TECHNICAL ASSISTANCE

4.0 Periodic Meetings

The FAA and the FOCA will meet at least once a year to discuss these Simulator Implementation Procedures, on-going projects, changes in their own organisations, any revisions to their requirements, technical assistance requests, or any other matters relating to these Simulator Implementation Procedures. The frequency of these meetings will depend on the resources available to each authority, as well as the significance of any outstanding issues.

4.1 Information

The FAA and the FOCA shall provide information and assistance regarding the evaluation and qualification of FFS to be performed under the terms of these Simulator Implementation Procedures, and shall develop appropriate publications and circulate these publications through established methods in their respective countries to:

(a) Inform the public of the terms of these Simulator Implementation Procedures and/or any amendments or appendices.

(b) Outline the regulatory requirements and special requirements necessary for persons to perform work under the terms of these Simulator Implementation Procedures.

4.2 Technical Assistance

The FAA and the FOCA agree to co-operate and to provide technical assistance to each other upon request to further the purposes and objectives of these Simulator Implementation Procedures. Such areas of assistance may include, but are not limited to:

(a) Providing recommendations or endorsements relating to evaluations conducted by the FAA or the FOCA.

(b) Providing reports regarding any non-compliance with the requirements described in these Simulator Implementation Procedures by FFS Operators in JAA Member States and the United States.

(c) Conducting and reporting on investigations at the request of the other authority.

(d) Obtaining and providing data for reports where requested.

4.3 Exchange of Information

The FAA and the FOCA shall provide each other with regulations, policies, guidance, practices, and interpretations relevant to these Simulator Implementation Procedures, and shall ensure that such documents are updated in a timely manner. In addition, any FAA or FOCA proposal to amend such documents shall be provided to the other authority for the opportunity to review prior to the amendment being effected, consistent with their national laws and administrative procedures. Co-operation will also include a regular exchange of ideas and views on the current status and potential trend(s) in FFS technology and its application, possible exchange of

technical personnel on temporary details, joint participation in research and FFS evaluations, and any other means that further the objective of this Agreement.

4.4 Establishing and Amending Regulations, Policies, and Guidelines

To the extent permitted by its national laws and administrative procedures, each authority agrees to provide technical assistance to the other in efforts to establish and amend regulations, policies, guidance, practices, and interpretations relevant to these Simulator Implementation Procedures.

4.5 Urgent or Unusual Situations

When urgent or unusual situations develop that are within the scope of the Simulator Implementation Procedures, but not specifically addressed, the FAA and the FOCA will review and consult together and take appropriate action, including developing amendments or appendices to these Simulator Implementation Procedures, if appropriate, as set forth under paragraph 1.3.

4.6 Notification of Non-compliance and Safety Issues

The FAA and the FOCA agree to notify each other of all non-compliances with any standard or special condition set forth in these Simulator Implementation Procedures and of any other significant information that might affect an authority's qualification of a FFS. The FAA and the FOCA also will notify each other promptly of any investigation into non-compliance or enforcement action that could result in suspension or penalty related to the Qualification Level of a FFS covered by these Simulator Implementation Procedures. The notification will be sent to the other authority's representative of the office identified in paragraph 1.6(b).

4.7 Protection of Proprietary Data and Freedom of Information Act (FOIA) Requests

(a) Proprietary Data. Both authorities recognize that certain data submitted by a FFS operator may be the property of that operator or another person and release of that data by the FAA or the FOCA is restricted. The FAA and the FOCA agree that they will not copy, release, or show proprietary data obtained from either authority to anyone outside of the FAA or the FOCA without written consent of the owner of the proprietary data.

(b) FOIA Requests. The FAA often receives requests from the public under the FOIA to release information that the FAA may have in its possession. Any information that the FAA has in its possession must be disclosed under the FOIA unless it falls within certain exceptions, including trade secrets, or financial or commercial data that would be considered confidential or privileged. When the FAA receives such a request for the release of information related to a simulator located in Switzerland and covered by these Simulator Implementation Procedures, the FAA will consult the FOCA on any information received from the FOCA and submitted to the FAA that might be released. The FAA may also request the FOCA's assistance, in cooperation with the FFS operator, in determining if the person submitting the information would object to release and which portions of the information received from that person or generated by the FOCA might be withheld under the FOIA exceptions, if any.

4.8 Accident/Incident Investigation Requests

When the FAA or the FOCA needs information regarding use of FFS as a part of the investigation of accidents or incidents involving aircraft for which a FFS exists, the request for information should be directed to the office identified in paragraph 1.6(b). In turn, upon receipt of the request for information, the other authority will, insofar as the information is in its possession and it is legally entitled to disclose it, provide the requested information in a timely manner.

CHAPTER V — TRANSFER AND CONTINUING VALIDITY

5.0 Transfer Provisions

The FAA and the FOCA agree to transfer the conduct of evaluations, inspections and surveillance of FFS covered by and in accordance with these Simulator Implementation Procedures in the following manner.

(a) Each authority will provide and maintain a list of FFS, and operators currently under the provisions of these Simulator Implementation Procedures.

(b) For each FFS to be evaluated the appropriate authority will, upon request, provide information that may include the last two evaluation reports, relevant findings and any follow up actions.

(c) FFS operating under previous versions of these Simulator Implementation Procedures will be evaluated in accordance with the current revision during the next scheduled evaluation.

(d) The FAA and the FOCA will agree on a procedural plan and time schedule for:

(i) the aligning of recurrent evaluations, and

(ii) conducting all evaluations in accordance with any special conditions listed in Chapter 3.0 of these Simulator Implementation Procedures.

(e) The FAA and the FOCA agree to conduct evaluations, inspections, and surveillance of FFS covered by and in accordance with these Simulator Implementation Procedures unless otherwise agreed on by the FAA and the FOCA.

(f) In order to facilitate the smooth functioning of the SIP and the cooperation in enforcement as provided for in paragraph 5.1(b):

(i) FOCA is authorized to deliver decisions on the qualification of a FFS of an operator located in the United States of America, issued according to the provisions of the SIP, directly to the U.S. service address of this FFS operator, and

(ii) FAA is authorized to deliver statements on the qualification of a FFS of an operator located in Switzerland, issued according to the provisions of the SIP, directly to the Swiss service address of this FFS operator.

5.1 Continuing Validity

The FAA and the FOCA acknowledge that:

(a) Unrestricted Access. Each authority should be included in the other's activities, such as the Synthetic Training Device Standardization Team. Each authority may need to conduct independent evaluation or re-evaluation of a FFS at any time, and to review the other authority's

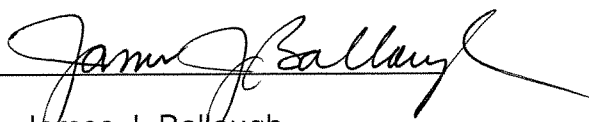
surveillance records and other pertinent information on FFS, consistent with the objective of these Simulator Implementation Procedures and the authority's applicable laws and regulations.

(b) Cooperation in enforcement. The maximum permissible mutual cooperation and assistance in any investigation or enforcement proceedings of any alleged or suspected violations of any regulations, standards, or special conditions identified in these Simulator Implementation Procedures is essential. The FAA and the FOCA acknowledge that FFS Qualifications issued under these Simulator Implementation Procedures remain subject to the regulatory requirements and enforcement procedures of the issuing authority.

CHAPTER VI — AUTHORITY

The FAA and the FOCA agree to the provisions of these Simulator Implementation Procedures as indicated by the signature of their duly authorized representatives.

FEDERAL AVIATION ADMINISTRATION
DEPARTMENT OF TRANSPORTATION
UNITED STATES OF AMERICA

By 
James J. Ballough

Title: Director, Flight Standards Service

Date 9-20-2005

FEDERAL OFFICE FOR CIVIL AVIATION
DEPARTMENT OF ENVIRONMENT,
TRANSPORT, ENERGY AND
COMMUNICATION
SWITZERLAND

By 
Raymond Cron

Title: Director General

Date 6.10.05



Federal Aviation Administration

Memorandum

Date: SEP 23 2005 JFB

From: Paul Feldman, Acting Assistant Administrator for International Aviation, API-1

To: James Ballough, Director, Flight Standards Service, AFS-1

Prepared by: Anthony Moore, Desk Officer for Southern and Western Europe,
Europe & Middle East Staff, AEU-10, (Washington, D.C.).
Ext.5-8890

Subject: Delegation of Signature Authority

FAA Notice 1100.296 of 01/21/2005 gives the Assistant Administrator for International Aviation (API) the sole authority to negotiate and sign reimbursable agreements with foreign or international entities on behalf of the FAA under the authorities granted in Title 49 United States Code 40108, 40113(e) and 47303. API is responsible for negotiating, executing, and administering all amendments and related elements to agreements with foreign or international entities. FAA Notice 1100.296 permits the Assistant Administrator for International Aviation to re-delegate this authority.

In accordance with the foregoing paragraphs, I hereby delegate signature authority for the revised Simulator Implementation Procedures (SIP) between the FAA and the Swiss Federal Office for Civil Aviation (FOCA) to James Ballough, Director, Flight Standards Service. For purposes of the SIP, Mr. Ballough shall serve as the duly authorized representative of the FAA, and his signature shall indicate the FAA's agreement with the provisions of the SIP. This delegation of signature authority shall not extend to agreements other than the SIP.